



Appeal Decision

Site visit made on 24 January 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2024

Appeal Ref: APP/G5180/W/23/3325671

Land adjoining 5 Maybury Close, Petts Wood BR5 1BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Charlotte Meade against the Council of the London Borough of Bromley.
 - The application Ref 23/00787/FULL1, is dated 27 February 2023.
 - The development proposed is the demolition of existing garage; erection of a detached two bedroom house; provision of vehicular access, parking space and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has provided a statement setting out how they would have determined the application, and this forms the basis of the main issue that I have identified.
3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in this planning appeal. The main parties have been given the opportunity to comment on changes to the Framework, and I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the area with particular regard to its siting, scale and design.

Reasons

5. The appeal site is a small strip of land between No. 5 Maybury Close and a grassed strip adjoining an access to a school behind the appeal site. It is located on a cul-de-sac, which contains a relatively straight road from Southborough Road and a circular turning area at the end of it. The appeal site is at the end of the straight part of the road and adjoins the turning area. The properties along both sides of the straight part of Maybury Close have similar setbacks from the pavement edge and are mostly finished in white painted render under red tiled roofs. Even though they are either detached or semi-detached, and a mixture of one and two storey properties, their similar setbacks and external appearance ensures a regular and ordered layout on this part of the road.

6. The proposed dwelling would by virtue of the restricted depth of the appeal site be located significantly further forward than No.5, and the well-established building line along the straight part of the cul-de-sac. Furthermore, the limited width of the appeal site would mean the proposed dwelling being considerably deeper than most properties nearby, which, given its forward siting, two storey scale, and its rectangular appearance would add to its harm to the character and appearance of the area.
7. Whilst parts of the design detail of the proposal, such as its hipped roof and external materials would be in keeping with other properties in the immediate area, its overall design and scale, would appear wholly discordant against the other properties along the straight part of the cul-de-sac. Furthermore, views up and down the road would be dominated by its elongated side elevation, overall scale, and pronounced position, which would harmfully erode the character and appearance of the area.
8. Moreover, due to the size of the plot, there would be limited outdoor space around the sides of the proposed dwelling, and the proposal would uncharacteristically have a much smaller and restrictive rear garden than many other properties along this part of the road. I recognise that No. 5 has a similarly restrictive garden depth, but that plot is considerably wider than the appeal site providing significantly more rear outdoor space. The proposal would result in a cramped form of development, at odds with the surrounding plots.
9. I note the limited widths of No's 5a and 5b Maybury Close, that are located at the head of the cul-de-sac facing onto the turning area. Although these link detached properties have a comparable width to the appeal property, they are set much further back from the pavement edge, and they respect the siting of other properties. Furthermore, these properties are also attached to one another, and situated at the end of the cul-de-sac, as such they are seen differently to the properties along the straight part of the road. They also have considerably larger rear gardens than the appeal proposal. For these reasons I did not find the appeal proposal to be directly comparable with those properties in all respects. Nor did they lead me to conclude differently regarding the appeal scheme.
10. I therefore conclude that the proposed development would harm the character and appearance of the area and would be contrary to Policies 4 and 37 of the Local Development Framework, Local Plan, London Borough of Bromley, dated January 2019, that amongst other things requires a high standard of design in new development that positively contributes to the existing streetscene, respects of local character, physical context, and density.

Other Matters

11. I note the planning history, referred to in the appeal documentation regarding both the appeal site and No. 5 Maybury Close. I have had regard to this insofar as it relates to the matters before me on this appeal. In particular, an earlier appeal decision¹ which was dismissed for a detached dwelling due to its effect upon the character and appearance of the area, which partly included the appeal site. The appellant has asserted that the Inspector in that case, concluded that although there was harm to the character and appearance of the area, the principle of a dwelling was acceptable. However, that site also

¹ Ref: APP/G5180/A/12/2187192

included some of the garden of No. 5 Maybury Close, which gave it a larger site area than the appeal site in this case. Consequently, I am not persuaded those conclusions reached in that earlier appeal decision would be appropriate to this appeal site before me.

12. The appellant has argued that the appeal site is a windfall site located in a sustainable, well-located area; that it does not form part of the garden of No. 5; that it is a brownfield site, and the proposal would promote an effective use of land; and that it is situated on a level site within Flood Zone 1. Whilst these points are noted, they do not either individually or collectively outweigh the identified harm above and the conflict with the development plan.
13. It is also stated that there are no Tree Preservation Orders on the site and the proposal would have no unacceptable harm upon trees; that it would have a hipped roof and finished in render that reflects properties in the area; that there are no highway safety impacts; the proposed dwelling would have space between it and all four of its boundaries and meets minimum internal and external size requirements. Most of these points, however, are also likely to be requirements of any well-designed development and they neither weigh in favour or against the proposal.

Planning Balance and Conclusion

14. The Council has stated that it has 3.99 years of housing supply, as of November 2021. As such the Council does not have a 5-year supply of housing. I attach considerable weight to the lack of housing supply. In such circumstances, as there would be no identified conflict with policies referred to in footnote 7 of paragraph 11 of the Framework, paragraph 11 d) ii, applies which states permission should be granted unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
15. The proposal would make an efficient use of land, which at least part of appears to be previously developed, and deliver an additional house on a small site within a well-connected area. However, this single dwelling would make a limited contribution to the Government's objective of significantly boosting the supply of homes and to Bromley's overall housing supply. There would also be economic benefits during the construction phase of the development and a likely, but relatively small, contribution to the wider local economy following occupation of the dwelling. Given the scale of the proposal, I attach limited weight collectively to these benefits.
16. Against these benefits is the harm that would be caused to the character and appearance of the area. In this regard, the Framework at paragraph 135 makes it clear that developments should be sympathetic to local character and history. It also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.² Furthermore, it states that good design is a key aspect of sustainable development, to create better places in which to live and work and helps make development acceptable to communities, and that

² Paragraph 131 of the Framework

development that is not well designed should be refused.³ I regard the identified harm to the character and appearance of the area to be significant.

17. Accordingly, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
18. For the reasons outlined above, the proposed development conflicts with the development plan taken as a whole. There are no other considerations, including the Framework which indicate a decision other than in accordance with the development plan. I therefore dismiss the appeal.

A Hunter

INSPECTOR

³ Paragraph 139 of the Framework